

LUKE W. COLE, California Bar No. 145,505
CAROLINE FARRELL, California Bar No. 202,871
BRENT J. NEWELL, California Bar No. 210,312
Center on Race, Poverty, & the Environment
47 Kearny Street, Suite 804
San Francisco, CA, 94108
415/346-4179 • fax 415/346-8723

NANCY S. WAINWRIGHT, Alaska Bar No. 8711071
Law Offices of Nancy S. Wainwright
13030 Back Road, Suite 555
Anchorage, AK 99515-3538
907/345-5595 • fax 907/345-3629

Attorneys for Plaintiffs Enoch Adams, Jr., Leroy
Adams, Andrew Koenig, Jerry Norton and Joseph Swan

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

ENOCH ADAMS, JR., LEROY ADAMS,
ANDREW KOENIG, JERRY NORTON
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA INCORPORATED

Defendant.

NANA REGIONAL CORPORATION and
NORTHWEST ARCTIC BOROUGH,

Intervenors-Defendants.

Case No. A04-49 (JWS)

**DECLARATION OF
LUKE COLE IN SUPPORT
OF UNOPPOSED MOTION
FOR LEAVE TO TAKE
DEPOSITION**

DECLARATION OF LUKE W. COLE IN SUPPORT OF MOTION

I, Luke Cole, declare:

1. I am over 18 years of age and not party to this action.
2. In preparing the statement of issues, the statement of uncontested facts, the witness

DECLARATION OF LUKE COLE IN SUPPORT OF
MOTION FOR LEAVE TO TAKE DEPOSITION
OF RANDOLPH FISCHER BY MARCH 9, 2008

1 lists and the trial exhibits for filing on January 22, as well as updating the expert reports for filing
2 on January 18, the parties have been unable to find a mutually agreeable time in the four
3 attorneys' schedule and Mr. Fischer's schedule (which, during legislative session, is limited to
4 Sundays).

5 3. The parties have identified March 9, 2008, as a mutually acceptable date on which Mr.
6 Fischer is available to be deposed.

7 4. I have spoken with counsel for NANA, the Northwest Arctic Borough, and Teck
8 Cominco and they do not oppose this motion. In fact, it was counsel for Teck Cominco who
9 suggested we ask the Court for a time to take the deposition after the deadline for filing exhibits
10 and witness lists because of the difficulty in scheduling the deposition.

11 5. The Adams plaintiffs would be prejudiced by having to take several travel days and a
12 day of deposition in Denver between now and January 22, as they are working to put together the
13 various filings due on January 18 and January 22, 2008 under the Court's pretrial orders.

14 I declare that the foregoing is true and correct. Signed under penalty of perjury this 10th
15 day of January, 2008 at San Francisco, California.

16
17 /S/ Luke Cole
18
19
20
21
22
23
24
25
26
27
28

1 CERTIFICATION OF SERVICE

2 I certify that on the 10th day of January 2008, a true and correct copy of the Declaration of Luke Cole was served via
3 electronic mail on the following counsel of record:

4 Sean Halloran	David Case
Hartig Rhodes	Landye Bennet Blumstein
5 717 K Street	701 West Eighth Avenue, Suite 1200
Anchorage, AK 99501	Anchorage, AK 99501
6 (sean.halloran@hartig.com)	(dcase@lbblawyers.com)

7 Nancy S. Wainwright	James E. Torgerson
Law Offices of Nancy S. Wainwright	Heller Ehrman
8 13030 Back Road, Suite 555	510 L Street, Suite 500
Anchorage, AK 99515	Anchorage, AK 99501
9 (nsw@alaska.com)	(JTorgerson@HEWM.com)

10 Thane Tienson
Landye Bennet Blumstein
11 1300 Southwest Fifth Ave, Suite 3500
Portland, OR 97201
12 (ttienson@landye-bennett.com)

13 /s/ Luke Cole

14 Luke W. Cole

15
16
17
18
19
20
21
22
23
24
25
26
27
28
DECLARATION OF LUKE COLE IN SUPPORT OF
MOTION FOR LEAVE TO TAKE DEPOSITION
OF RANDOLPH FISCHER BY MARCH 9, 2008